IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.02 OF 2005

S. K. Malhotra ...Applicant
Vs.
The State of Maharashtra & Anr. ...Respondents

Shri. Munish Tyagi for the Applicant.
Shri. K.V. Saste, A.P.P. for the Respondent No.1.
Shri. G.S. Megde for the Respondent No.2.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 15, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant, the learned A.P.P. for the State and the learned Counsel appearing for the Respondent No.2. The learned Counsel for the Respondent No.2 has tendered affidavit of one Mrs. Manju Bhargawa, a Director of the Respondent No.2. A copy of resolution passed by the Board of Directors of the Respondent No.2 on 13th September, 2005 is annexed to the said affidavit. In the said resolution it is stated that the Respondent No.2 has agreed to compound the case against the present Applicant and the said Mrs. Manju Bhargawa is authorised to sign necessary documents including affidavit for compounding the case. The learned Counsel for the Respondent No.2 stated that the Respondent No.2 has no objection if this Court exercises power under section 482 of the Code of Criminal Procedure, 1973 for quashing the prosecution against the Applicant.

2. It appears that the Respondent No.2 filed a complaint in the court of the learned Magistrate on which an order was made under section 156(3) of the said Code of 1973. On the basis of further investigation made by the Tardeo Police Station, cognizance of the case was taken by the learned Magistrate. Thereafter, the Applicant applied for discharge by order dated 04th October, 2004. The learned Magistrate dismissed the Application for discharge made by the Applicant and adjourned the case for framing of charge under section 409 of the Indian Penal Code.

3. The case of the Respondent No.2 reveals that the Applicant was appointed as the Marketing Co-ordinator. The allegations made against the Applicant relate to performance of his duty as Marketing Co-ordinator. In the affidavit filed by the Respondent No.2 it is stated the Applicant has tendered apology for his acts and in view of the said apology the Respondent No.2 has agreed to compound the offence.

4. In view of the aforesaid position as reflected from the affidavit of the Respondent No.2 and from the submissions made by the learned Counsel appearing for the Respondent No.2, there is no likelihood of the prosecution resulting into conviction of the

Applicant. Hence, no purpose will be served by continuing the proceeding of the complaint.

5. Therefore, this is a fit case to exercise power under section 482 of the said Code of 1973. Hence, I pass the following order:

: O R D E R :

i) The proceedings of complaint in C.C.No.77/T/2003 are quashed and the Applicant is acquitted.

ii) Revision Application is disposed of accordingly.

iii) Parties to act upon an authenticated copy of this order.

JUDGE